

ORIGINAL

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.

UNITED STATES DISTRICT COURT

2006 OCT -4 PM 4:15

SOUTHERN DISTRICT OF GEORGIA

CLERK
SO. DIST. OF GA.

SAVANNAH DIVISION

CURTIS LEE BROWN, SR.,)

Plaintiff,)

v.)

Case No. CV406-113

SHERIFF AL ST. LAWRENCE,)

COL. McARTHUR HOLMES, CAPT.)

DAVIS, LT. LAMB, SGT. BRYANT,)

CPL. WRIGHT, PRISON HEALTH)

SYSTEM, INC., DR. LUCAS LEWIN,)

Defendants.)

REPORT AND RECOMMENDATION

Plaintiff filed a complaint pursuant to 42 U.S.C. § 1983 on May 1, 2006. Doc. 1. In an Order dated May 8, 2006, the Court granted plaintiff's motion to proceed *in forma pauperis* and ordered him to submit a Prisoner Trust Fund Account Statement form and a Consent to Collection of Fees from Trust Account form. Doc. 3. Plaintiff returned the forms, and the Court ordered plaintiff to amend the complaint to correct certain deficiencies. Doc. 8. Plaintiff filed a completed complaint form on September 25, 2006, which the Clerk docketed as a new complaint. CV406-

237, doc. 1. The Clerk is DIRECTED to docket the completed complaint form as the amended complaint in Case Number CV403-113, and to close the file in Case Number CV406-237. All further filings in this matter are to be docketed under Case Number CV406-113. As plaintiff has returned the Prisoner Trust Fund Account Statement form and a Consent to Collection of Fees from Trust Account form, the case is ready to proceed.

Congress has significantly changed the procedures for handling civil actions filed by prisoners or other detainees. Prison Litigation Reform Act, Pub. L. No. 104-134, 110 Stat. 1321 (PLRA). Under the PLRA, a federal court “shall on its own motion or on the motion of a party dismiss any action brought with respect to prison conditions under [42 U.S.C. § 1983] . . . if the court is satisfied that the action is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief from a defendant who is immune from such relief.” 42 U.S.C. § 1997e(c)(1). The PLRA requires the federal courts to conduct early screening of all prisoner suits against governmental entities or officials for the purpose of identifying claims that are subject to immediate dismissal. 28 U.S.C. §

1915A. The Court therefore will examine plaintiff's complaint to determine whether he has stated a colorable claim for relief under § 1983.

Plaintiff alleges that he has cancer and is being denied life-saving treatment, chemotherapy, drugs, and pain management medications. Plaintiff states that he suffers extreme pain and that he will die without treatment. Certain unidentified "health care workers for [defendant Prison Health Services, Inc.]" allegedly told plaintiff that the jail does not provide specialty or primary care for inmates and that plaintiff needed to bond out in order to receive the treatment he had been receiving prior to his incarceration.¹ Doc. 1.

Plaintiff makes no specific allegations against Sheriff Al St. Lawrence, Col. McArthur Holmes, Capt. Davis, Lt. Lamb, Sgt. Bryan, Cpl. Wright, or Dr. Lucas Lewin, and he has therefore failed to state a claim against any of these defendants.² The Court finds, however, that plaintiff has stated a claim under the Eighth Amendment against Prison Health Services, Inc.

¹Plaintiff is advised that prisoners are not entitled to the same care they would receive if they were not incarcerated and are only entitled to treatment that meets the minimum standards required by the Constitution.

²Plaintiff neglected to comply with the Court's Order of September 7, 2006, which directed him to describe "how each defendant was personally involved in depriving [him]" of his rights. Doc. 8.

Based on the foregoing, service upon defendant Prison Health Services, Inc. is proper at this time. The Clerk is **DIRECTED** to forward a copy of this complaint to the United States Marshal for service on defendant Prison Health Services, Inc. The Court recommends that plaintiff's complaint against all other defendants be **DISMISSED**.

SO REPORTED AND RECOMMENDED this 4th day of
October, 2006.


UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA